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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 WILLIAM JEROME,

14 Defendant.  
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CASE NO. CR09-5844RJB

ORDER DENYING MOTION FOR  
RECONSIDERATION OF  
REVOCATION OF PROBATION

16 This matter comes before the court on the above-referenced motion (Dkt. 32). The court  
17 has considered the documents filed in support of and in opposition to the motion, and has  
18 reviewed its notes of the evidentiary hearing and has reviewed the file.

19 There is some dispute between the parties as to the legal standards to be applied to this  
20 motion. The court is satisfied that under any of the legal standards suggested, the motion should  
21 be denied.

22 A careful analysis of the documents submitted indicate that the only new evidence is the  
23 hearsay statement from an investigator with Texas Child Protective Services that the five-year-  
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1 old victim of one of the alleged violations, who also suffers from "a severe case of ADHD" and  
2 "was a very difficult subject to interview" (*See* Exhibit A to Defendant's Reply Brief, Dkt. 43)  
3 made no "outcry" that the defendant abused him, and apparently did not offer information about  
4 any physical abuse at the hands of the defendant during his interview with the investigator and,  
5 further, that the boy's mother had no knowledge of any physical abuse. That information is  
6 simply insufficient to justify a reopening of either the evidentiary hearing on the probation  
7 violation petition, or the disposition hearing. This court had the opportunity to hear the  
8 witnesses testify in open court regarding the issues and the addition of the described hearsay  
9 evidence would not have changed the court's findings, conclusions and judgment.

10 The Motion for Reconsideration of Revocation of Probation (Dkt. 32) is DENIED.

11 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
12 to any party appearing *pro se* at said party's last known address.

13 Dated this 30th day of June, 2011.

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16 ROBERT J. BRYAN  
17 United States District Judge  
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